

**ANTHEIL MASLOW & MacMINN, LLP**

By: William T. MacMinn, Esquire

Attorney ID #25597

131 West State Street

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Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>Aimee Zipp</b>	:	
<b>5 East Montgomery Street</b>	:	
<b>Allentown, PA 18103</b>	:	
<b>v.</b>	:	<b>#2019-_____</b>
<b>Douglas Cave</b>	:	
<b>277 Lincoln Court</b>	:	
<b>Timberville, VA 22853</b>	:	
<b>and</b>	:	
<b>Blizzard Trucking LLC</b>	:	
<b>1519 Pleasant Drive</b>	:	
<b>Harrisonburg, VA 22801</b>	:	
<b>and</b>	:	
<b>Victor Lucero</b>	:	
<b>8423 Lanham Lane</b>	:	
<b>Houston, TX 77075</b>	:	
<b>and</b>	:	
<b>Werner Enterprises, Inc.</b>	:	
<b>14507 Frontier Road</b>	:	
<b>Omaha, NE 68138</b>	:	<b>JURY TRIAL DEMANDED</b>

**COMPLAINT**

1. Plaintiff Aimee Zipp is adult individual residing at 5 East Montgomery Street, Allentown, Pennsylvania 18103.
2. Defendant Werner Enterprises, Inc. ("Werner") is a Nebraska corporation with an address of 14507 Frontier Road, Omaha, Nebraska 68138.

3. Defendant Victor Lucero is an adult individual residing at 8423 Lanham Lane, Houston, TX 77075. At all times relevant to the cause of action alleged herein, Mr. Lucero was acting within the scope of his authority as the agent, workman, servant or employee of Defendant Werner.

4. Defendant Blizzard Trucking LLC ("Blizzard") is a Virginia limited liability company with an address of 1519 Pleasant Drive, Harrisonburg, Virginia 22801.

5. Defendant Douglas Cave is an adult individual residing at 277 Lincoln Court, Timberville, VA 22853. At all times relevant to the cause of action alleged herein, Mr. Cave was acting within the scope of his authority as the agent, workman, servant or employee of Defendant Blizzard.

6. The accident out of which this cause of action arises occurred within the Commonwealth. Therefore, this Court has jurisdiction pursuant to 42 Pa.C.S.A. §5322(a)(3).

7. This Court has jurisdiction under 28 U.S.C. § 1332 because there is complete diversity of citizenship and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391 as the accident occurred within the Eastern District of Pennsylvania.

9. On July 24, 2018, at approximately 4:14 a.m., Plaintiff was operating her 2015 Mitsubishi Lancer westbound on Interstate 78 in Fogelsville, Lehigh County, Pennsylvania. Plaintiff was traveling behind the vehicle operated by Mr. Lucero and in front of the vehicle operated by Mr. Cave.

10. At the aforesaid time and place, Mr. Lucero was operating a tractor trailer owned by his employer, Werner and registered in the state of Nebraska, also in a westbound direction on Interstate 78. Mr. Lucero was traveling in front of both Plaintiff and Mr. Cave.

11. At the aforesaid time and place, Mr. Cave was operating a tractor trailer owned by his employer, Blizzard and registered in the state of Virginia, also in a westbound direction on Interstate 78. Mr. Cave was traveling behind both Mr. Lucero and Plaintiff.

12. Moments prior to the accident, Mr. Lucero lost control of the vehicle he was operating with the result that it collided with a concrete barrier located along the highway and ultimately came to rest in a jackknifed configuration blocking one or more lanes of the roadway.

13. Immediately after the Werner vehicle came to rest as above described, Plaintiff slowed or stopped her vehicle to avoid striking the Werner vehicle which was then and there obstructing the path of her vehicle.

14. The Blizzard vehicle, as a result of the negligence of Mr. Cave, then struck the Plaintiff's vehicle in the rear.

15. This accident was the result of the negligence of the defendants, consisting of:

- a. Operating their motor vehicles in an unsafe manner;
- b. Failing to maintain a proper lookout;
- c. Violating the duties imposed on them by 75 Pa.C.S.A. §3361 (driving too fast for conditions);
- d. Failing to drive with appropriate caution at and about the subject accident situs;
- e. Failing to operate their motor vehicles so as to be able to stop within the assured clear distance ahead; and,

f. Operating their motor vehicles in a reckless manner and without due regard for the rights, safety and position of Plaintiff.

16. The aforesaid motor vehicle collision was not the result of any act, or failure to act on the part of Plaintiff.

17. As a result of the negligence of Defendants as set forth above, Plaintiff sustained injuries including, but not limited to, concussion; migraines; aggravation of pre-existing mental health issues; injury to her nose; bilateral leg bruising; bruising around right eye, as well as a severe shock to her nerves and nervous system, some or all of which may be permanent.

18. As a further result of the negligence of Defendants, Plaintiff has been in the past, and will be in the future, caused to suffer great pain, agony, mental anguish and emotional distress and humiliation and has suffered, and will continue to suffer, limitations in her ability to enjoy the pleasures of life.

19. As a further result of the negligence of the Defendants, Plaintiff was and continues to be impaired from attending to her normal daily activities, to her detriment.


20. As a further result of the negligence of the Defendants, Plaintiff has been forced to incur medical expenses, which have exceeded or may exceed those amounts which Plaintiff is otherwise entitled to recover.

21. As a direct result of the negligence of the Defendants, Plaintiff has or may incur other financial expenses or losses which may exceed those which Plaintiff may otherwise be entitled to recover.

**WHEREFORE**, Aimee Zipp hereby demands judgment in her favor and against Defendants, individually, jointly and severally, in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00) in addition to costs, interest, delay damages and such other relief as may be applicable.

**ANTHEIL MASLOW & MacMINN, LLP**

Date: June 6, 2019

  
By: William T. MacMinn, Esquire  
Counsel for Plaintiff

**ANTHEIL MASLOW & MacMINN, LLP**

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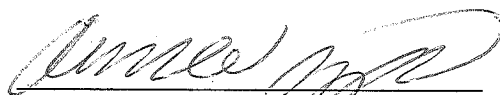
**14507 Frontier Road**

**Omaha, NE 68138**

**VERIFICATION**

I, Aimee Zipp, state that I am the Plaintiff in this matter; and, that the statements contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made therein are subject to the penalties of 18 Pa. §4904 relating to unsworn falsification to authorities.

Date: 06/03/2019

  
**Aimee Zipp**